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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,893	12/06/2005	Michael Hofmann	H01.2-13037	2857
490 7590 06/02/2010 VIDAS, ARRETT & STEINKRAUS, P.A. SUITE 400, 6640 SHADY OAK ROAD EDEN PRAIRIE, MN 55344				
EXAMINER				
AHMED, SHEEBA				
ART UNIT		PAPER NUMBER		
1787				
MAIL DATE		DELIVERY MODE		
06/02/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/559,893

**Applicant(s)**

HOFMANN ET AL.

**Examiner**

SHEEBA AHMED

**Art Unit**

1787

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20 is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Amendments to claims 1, 10, 12, and 20 have been entered in the above-identified application. Claim 18 is cancelled. Claims 1-18 and 20 are now pending and under consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0082295.

EP 0082295 discloses that in utilizing plastic scrap from any source, it is necessary to reduce the scrap to a finely divided particulate form as material to be integrated into boards and composite panels. The comminuted plastic scrap is used alone or in admixture with other particulate material commonly employed to prepare particle boards. Where mixtures of comminuted scrap plastic and other particulate materials are employed, the amount of scrap plastic material can be as low as about 5 percent by weight but is preferably of the order of at least about 50 percent by weight or higher. In making particle boards from the comminuted scrap plastic, alone or in admixture with other particulate materials, the particles are coated with an organic polyisocyanate binder and formed into boards using heat and pressure. The coating of

the particulate material is generally accomplished by spraying the particles with the binder composition while the particles are being tumbled or agitated in a blender or like mixing apparatus. After the various particles have been coated in the above manner, they are generally formed into a loose mat or felt on a rigid plate. The latter can be the lower platen of the press or a caul plate if one is to be employed in the preparation of the particle board. A second caul plate, if one is to be used, is placed on the mat and is spaced from the lower plate by spacer bars representing the desired thickness of the particle board to be produced. The upper platen of the press serves to form the upper rigid surface employed in preparing the particle board. Heat and compression are used to consolidate the coated particles into a unitary board. (See pages 4 line 9 through page 6, lines 34).

### ***Response to Arguments***

3. Applicant's arguments filed March 1, 2010 have been fully considered but they are not persuasive. Applicants traverse the rejection of claims 10-18 under 35 U.S.C. 102(b) as being anticipated by EP 0082295 and submit that EP '295 discloses "immersing the material to be ground in a cryogenic fluid to render the material brittle and then feeding the so- treated material to a cryogenic impact mill to achieve the necessary degree of comminution" whereas in the present application, agglomerate is formed as follows: "A usual processing of the mentioned mixed plastics is the so-called agglomerating. Disintegrated sheets are heated by friction by stirring in a stirrer so that the disintegrated particles begin to melt and become fused. Cold water is sprayed onto

the heated agglomerate in intervals so that a portion of organic contents escapes with the water vapor. Contemporarily, the melted sheets cool down and agglomerate to flowable granular structures. The typical product of transportable classified fraction of mixed plastics, predominantly sheet remainder, thus is the agglomerate. Agglomerates of mixed plastics have normally a bulk density of 320 kg/m<sup>3</sup> and can be well-transported." Applicants further argue that EP '295 does not disclose an agglomerated form and refers to a sandwich plate and only an inner layer includes comminuted plastic scrap which is contrary to the present invention where plastic grains are distributed throughout the plate.

However, in response to applicant's argument that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the melted sheets cool down and agglomerate to flowable granular structures and plastic grains are distributed throughout the plate) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Hence, the above rejection is maintained.

***Allowable Subject Matter***

4. Claims 1-9 and 20 are allowed.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 7am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheeba Ahmed/  
Primary Examiner, Art Unit 1787